

Attorney's Docket No.: 00633-030002 / 00/037D

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dimitri Azar

Art Unit : 3738

Serial No. : 10/627,943

Examiner : William H. Matthews

Filed : July 25, 2003

Title : VISION PROSTHESIS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), MASSACHUSETTS EYE & EAR INFIRMARY, certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventors of the patent application referenced above. The assignment was recorded in the Patent and Trademark Office at Reel 012070 Frame 0715 on August 10, 2001. MASSACHUSETTS EYE & EAR INFIRMARY also certifies that it is the assignee of U.S. Patent No. 6,638,304.

The undersigned has reviewed all the documents in the chain of title of the above-referenced application and to the best of undersigned's knowledge and belief, title is in MASSACHUSETTS EYE & EAR INFIRMARY.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee referenced above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of, provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,638,304.

The assignee referenced above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

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Page : 2 of 2

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Patent No. 6,638,304 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S.

Patent No. 6,638,304.

This disclaimer runs with any patent granted on the above-referenced application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 00633-030002.

Respectfully submitted,

Date: 11-8-2005



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